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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
VALENTI, ANDREA M	

ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,006	CALVI, CESARE	
	Examiner	Art Unit	
	Andrea M. Valenti	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9 and 11-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9, 11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the use of legal phraseology "means". Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 14 is objected to because of the following informalities:

Claim 14, line 1, it appears that "a closure cap arranged of the bar" should be --a closure cap arranged at the end of the bar--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 9, 11, 15, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian Patent CA 2151542 to Veronneau.

Regarding Claim 1, Veronneau teaches a Leash for animals applicable to a vehicle (Veronneau Fig.1) having a frame, comprising a bar (Veronneau #12), means for fastening the bar to the frame of the vehicle (Veronneau Fig. 2), a rope (Veronneau Fig. 4 #50) associated to the bar and means for fastening the rope to the collar (Veronneau Fig. 4 #52) of the animal, wherein the bar is internally hollow and houses one or more springs (Veronneau Fig. 4 #48)

Regarding Claim 2, Veronneau teaches the means for fastening the bar to the frame of the vehicle comprises: first fastening means capable of anchoring to the frame of vehicle (Veronneau Fig. 4 #22); second fastening means (Veronneau #24) associated to the bar and so shaped as to be fastened and/or released rapidly by coupling/uncoupling to the first fastening means.

Regarding Claim 5, Veronneau teaches the bar further comprises a handle (Veronneau #14), on and end of the bar proximate to the means for fastening the bar to the frame of the vehicle.

Regarding Claim 9, Veronneau teaches the leash is arranged projecting laterally from the vehicle and the bar assumes between a substantially horizontal configuration that is inclined downwards by between about **0** – 30 degrees, and substantially orthogonal to the longitudinal axis of the vehicle or slightly inclined backwards by between about **0** – 35 degrees (Veronneau Fig. 1).

Regarding Claims 11, 15, 16, Veronneau teaches the vehicle is selected from the group consisting of a bicycle, tricycle, or moped (Veronneau Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent CA 2151542 to Veronneau.

Regarding Claims 6 and 13, Veronneau teaches the one or more springs (Veronneau #48), but is silent on it comprises at least two springs. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Veronneau at the time of the invention since the modification is merely the duplication of a known element for a multiple effect for performing the same intended function [*In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960)] and it could also be viewed that Veronneau teaches the spring is an integral single spring unit and merely making the spring unit separable into a plurality of parts does not present a patentably distinct limitation. It would have obvious to one of ordinary skill in the art to modify the teachings of Veronneau at the time of the invention for the advantage of adjusting for different size animals and animals of different pulling strengths.

Claims, 7, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent CA 2151542 to Veronneau in view of French Patent FR 2525069A to Bardey.

Regarding Claim 7, Veronneau teaches the rope passes through an eyelet comprised in the means for fastening the rope to the collar of the animal (Veronneau Fig. 1 #50 and 52), but us silent on wherein the rope traverses at least one spring contained in the bar and wherein the rope is knotted at an end of the spring that is closest to the frame of the vehicle. However, Bardey teaches an animal tether wherein the rope passes through an eyelet comprised in the means for fastening the rope to the collar of the animal (Bardey Fig. 2 #9), wherein the rope traverses at least one spring (Bardey Fig. 3 #12 and 13) contained in the bar and wherein the rope is knotted at an end of the spring. It would have been obvious to one of ordinary skill in the art to modify the teachings of Veronneau with the teachings of Bardey at the time of the invention for since the modification is merely an engineering design choice involving the selection of a known alternate spring and rope configuration of an animal tether selected to relieve some tension on the collar and to prevent the string from loosing tension from excessive pulling by the animal.

Regarding Claim 12, Veronneau as modified teaches one or more springs are capable of compressing when an animal stresses the rope (Bardey Fig. 2 and 3 element #13 compresses as the animal pulls on the #8).

Regarding Claim 14, Veronneau as modified teaches a closure cap (Bardey Fig. 2 #7) arranged of the bar for retaining the one or more springs in the bar, which is removable to permit removal of the one or more springs

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent CA 2151542 to Veronneau in view U.S. Patent No. 4,854,269 to Arntzen and U.S. Patent No. 6,955,138 to DeBien.

Regarding Claims 3 and 4, Veronneau is silent on the first fastening means comprises a pair of semi-cylindrical jaws which encompass a frame and are fastened thereto by means of bolts, wherein one of the two jaws has a protuberance so shaped as to be anchored in a corresponding hollow of the second fastening means and wherein the second fastening means comprises a female snap-on rapid coupling, screwed on an end of the bar, wherein the female snap on rapid coupling is *capable of* being coupled with a protuberance exhibited by the first fastening means. However, Arntzen teaches coupling an animal leash to a vehicle utilizing first fastening means comprises a pair of semi-cylindrical jaws, which encompass a frame and are fastened thereto by means of bolts (Arnzten Fig. 4 element C and #9). It would have been obvious to one of ordinary skill in the art to modify the teachings of Veronneau with the teachings of Arntzen at the time of the invention for the advantage of attaching the leash to a cylindrical portion of the bicycle.

Veronneau as modified by Arntzen is silent on protuberance and a female snap on fastening means. However, DeBien teaches a leash coupler comprising a female

snap on rapid coupling mating with a protuberance (DeBien Fig. 5 #22', 16', 18'). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Veronneau with the teachings of DeBien at the time of the invention since the modification is merely and engineering design choice involving the selection of a known alternate equivalent leashtether coupler selected for the known advantage of ergonomic quick and efficient attachment and detachment as taught by DeBien.

Conclusion

Including the limitations of both claims 3 and 4 into the independent claim would help to better distinguish over the teachings of the cited prior art of record.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

German Patent DE2004008444U; U.S. Patent No. 6,408,793 ; U.S. Patent No. 5,375,561; U.S. Patent No. 5,632,233; U.S. Patent No. 4,488,511; U.S. Patent No. 5,215,037

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea M. Valenti
Patent Examiner
Art Unit 3643

06 March 2006